

United States District Court
for
Middle District of Tennessee

Petition to Modify the Condition or Term of Supervision
(Probation Form 49 Waiver of Hearing on the Modification is attached)

Name of Offender: Jacob David Lautt

Case Number: 3:10-00107-01

Name of Sentencing Judicial Officer: Honorable Roger T. Benitez, U.S. District Judge, SDCA

Name of Current Judicial Officer: Honorable Aleta A. Trauger, U.S. District Judge

Date of Original Sentence: March 2, 2009

Original Offense: 21 U.S.C. § 952 and 960, Importation of Marijuana; and 18 U.S.C. § 2, Aiding and Abetting

Original Sentence: 33 months' custody and 5 years' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: August 14, 2009

Assistant U.S. Attorney: To be determined

Defense Attorney: To be determined

PETITIONING THE COURT

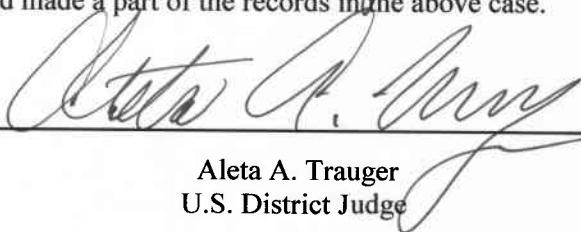
- To modify the release conditions as follows:

The defendant shall abstain from the use of alcohol and/or all intoxicants during the term of his supervised release.

THE COURT ORDERS:

- No Action
- The extension of supervision as noted above.
- The modification(s) as noted above.
- Other

Considered this 26th day of April, 2013,
and made a part of the records in the above case.


Aleta A. Trauger
U.S. District Judge

I declare under penalty of perjury that
the foregoing is true and correct.
Respectfully submitted,



Amanda M. Russell
U.S. Probation Officer

Place Cookeville, Tennessee

Date April 26, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1.

The defendant shall not commit another federal, state, or local crime.

On April 15, 2013, Mr. Lautt was arrested by the Tennessee Highway Patrol in Monterey, Tennessee, and charged with Driving Under the Influence- 2nd offense, Driving on Suspended/Revoked License, Failure to Exercise Due Care, and No Proof of Insurance. These are misdemeanor charges and the arrest affidavits are attached for Your Honor's review. Mr. Lautt has been released on bond and is due in the Putnam County General Sessions Court on May 17, 2013.

According to the reports, Mr. Lautt was involved in a motor vehicle accident in the late evening of April 14, 2013. A Tennessee Highway Patrol officer was dispatched to Hanging Limb Highway in reference to a one-vehicle crash. The officer arrived, identified Mr. Lautt as the driver, and observed him to have red, watery eyes and an odor about him associated with an alcoholic beverage. Mr. Lautt was asked to perform six field sobriety tasks, which he failed to successfully complete. Mr. Lautt was advised of the implied consent law and he agreed to submit to a chemical test to determine the amount of alcohol and/or drugs in his system. A records check of Mr. Lautt's driver's license revealed that his license was revoked for Driving Under the Influence in Wilson County on May 29, 2004.

On April 16, 2013, Mr. Lautt contacted the probation officer to notify her of his law enforcement contact and arrest. Mr. Lautt reported that he began drinking beer at approximately 7:00p.m. April 14, 2013. Sometime around 11:30p.m., he decided to go to a local market and get a cheeseburger and drove his wife's Jeep Cherokee. Mr. Lautt reported that he ran off the road into a ditch while reaching over to get something in the vehicle. He called a tow company to pull the Jeep out of the ditch and then decided to call the sheriff's department in Putnam County to report a single car wreck with no injuries. Mr. Lautt reported he did not want a deputy to drive by and think someone was hurt in the wreck, as he had suffered no injuries. He reported the Putnam County Sheriff's Department sent out the Tennessee Highway Patrol since the wreck occurred on a state highway. When the officer arrived, he smelled alcohol on Mr. Lautt, asked him to perform field sobriety tests, and was told he failed the Breathalyzer test. Mr. Lautt did agree to submit to a blood alcohol test.

On April 17, 2013, Mr. Lautt met with the probation officer as instructed. He admitted that he drank a six-pack the evening of April 14, 2013, and just wanted to go down the road to get something to eat. Mr. Lautt reported that he drinks a six-pack of beer two to three times per week and his alcohol consumption was occasional but has developed into excessive. Mr. Lautt agreed that he needed substance abuse treatment and would comply with any recommendations from the treatment provider and probation officer.

Compliance with Supervision Conditions and Prior Interventions:

Jacob Lautt began his term of supervised release on August 14, 2009, and is due to expire on August 13, 2013. He currently resides with his wife and children in Monterey, Tennessee, and is employed by Stonepeak Ceramics in Crossville.

The probation officer verbally reprimanded Mr. Lautt for violating his conditions of supervised release and warned him of the ramifications of his actions. He was specifically instructed to not commit another local, state, or federal crime, and to abstain from the use of alcohol. Mr. Lautt was referred to Plateau Mental

Health Center in Cookeville, Tennessee, in August 2009, for a substance abuse assessment. He participated in recommended outpatient treatment and was successfully discharged in June 2010. Mr. Lautt has been referred back to Plateau Mental Health Center for outpatient substance abuse treatment.

On April 17, 2013, a waiver of hearing form to modify the conditions of his supervised release was thoroughly explained to Mr. Lautt and he stated he understood his rights to representation by counsel and to a hearing. Mr. Lautt voluntarily signed the waiver to modify the conditions of his supervised release.

U.S. Probation Officer Recommendation:

It is recommended that Mr. Lautt's special conditions be modified as indicated in the petition. The U.S. Attorney's Office has been advised of the offender's noncompliance and the probation officer's recommendation for modification of the release conditions.

Approved: BS
Britton Shelton
Supervisory U.S. Probation Officer

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of his supervised release.

Witness: 
Amanda M. Russell
U.S. Probation Officer

Signed: 
Jacob David Lautt
Probationer or Supervised Releasee

April 17, 2013
Date

AFFIDAVIT OF COMPLAINT**IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY**

Defendant(s) (Name and Address)	DOB: <u>06/01/1979</u>
STATE OF TENNESSEE VS. Jacob David Lautt	SS#: <u>563597065</u>
160 Berry Field Rd	DL#: <u>083778041</u>
Monterey, TN 38514	DL ST: <u>TN</u>

The undersigned affiant, after being duly sworn according to law, states that the above named defendant, whose name is otherwise unknown to the affiant, committed the offense of TCA 55-50-504, which is Suspended Or Revoked Drivers License, in PUTNAM County on or about 04/15/2013. Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

Jacob David Lautt Has committed the offense of driving on suspended revoked license by being in control of a motor vehicle while drivers license was suspended or revoked. Affiant was investigating a one vehicle traffic crash on Hanging Limb highway and found defendant to be the driver. A records check of defendants driver license revealed that the defendant's license was revoked for Driving Under The Influence in Wilson County on 5/29/2004. said offense occurred in putnam county, Tennessee.

Affiants - Name Address, Telephone#

Al Seitner
 Tennessee Highway Patrol
 Telephone #: 931-528-8496

Affiant Signature: RCP

Sworn to and subscribed before me this: 04/15/2013

Tom Derricks

J.C. Name

Tom Derricks
 Judicial Commissioner

STATE OF TENNESSEE ARREST WARRANT

Prosecutor notified:

Date:

By Officer:

IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY

STATE OF TENNESSEE VS. JACOB DAVID LAUTT

TO ANY LAWFUL OFFICER OF THE STATE:

Based upon the affidavit(s) of complaint made and sworn to before me by: Al Seitner, there is probable cause to believe that the offense(s) of 55-50-504 - Suspended Or Revoked Drivers License has been committed in PUTNAM County, Tennessee and charging JACOB DAVID LAUTT thereof, you are therefore commanded in the name of the State of Tennessee forthwith to arrest and bring the said accused person before the Court of General Sessions of PUTNAM County, Tennessee, to answer the said charges.

04/15/2013

Tom Derricks
 Judge - Judicial Commissioner

Reason:

AFFIDAVIT OF COMPLAINT

IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY

Defendant(s) (Name and Address)

STATE OF TENNESSEE VS. **Jacob David Lautt**
160 Berry Field Rd
Monterey, TN 38514

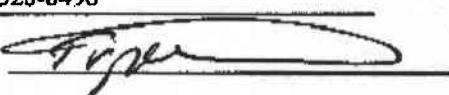
DOB: 06/01/1979SS#: 563597065DL#: 083778041DL ST: TN

The undersigned affiant, after being duly sworn according to law, states that the above named defendant, whose name is otherwise unknown to the affiant, committed the offense of TCA 55-10-401, which is Driving Under The Influence, in PUTNAM County on or about 04/15/2013. Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

Jacob David Lautt Committed the offense of driving under the influence by being in control of a motor vehicle while under the influence of some intoxicating beverage and or any intoxicant, marijuana, controlled substance, drug substance affecting the central nervous system or combination thereof that impairs the drivers ability to safely operate a motor vehicle. Affiant was dispatched to Hanging Limb Highway in reference to a one vehicle traffic crash. The affiant arrived and identified the defendant as the driver. The affiant observed that the defendant had red watery eyes and an odor about the defendant that the affiant associated with an alcoholic beverage. The defendant was asked to perform six field sobriety tasks and failed to successfully complete all of the tasks. The defendant was also advised of the implied consent law and agreed to submit to a chemical test to determine the amount of alcohol and or drugs in the defendant's system. Said offense occurred in Putnam County, Tennessee.

DUI in Wilson county on 5/29/2004

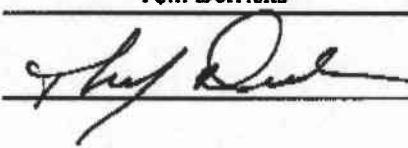
Affiants - Name Address, Telephone#

Al SeitnerTennessee Highway PatrolTelephone #: 931-528-8496Affiant Signature: 

Sworn to and subscribed before me this: 04/15/2013

Tom Derricks

J.C. Name



Judicial Commissioner

STATE OF TENNESSEE ARREST WARRANT

Prosecutor notified:

Date:

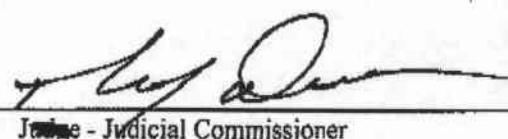
By Officer:

IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY

STATE OF TENNESSEE VS. **JACOB DAVID LAUTT**

TO ANY LAWFUL OFFICER OF THE STATE:

Based upon the affidavit(s) of complaint made and sworn to before me by: Al Seitner, there is probable cause to believe that the offense(s) of 55-10-401 - Driving Under The Influence has been committed in PUTNAM County, Tennessee and charging JACOB DAVID LAUTT hereof, you are therefore commanded in the name of the State of Tennessee forthwith to arrest and bring the said accused person before the Court of General Sessions of PUTNAM County, Tennessee, to answer the said charges.

04/15/2013

Judge - Judicial Commissioner

Reason: 7 - THE PERSON ARRESTED IS SO INTOXICATED THAT THE PERSON COULD BE A DANGER TO THE PERSONS OWN SELF OR TO OTHERS.

THE NUMBER OF VIOLATIONS THIS CITATION: - MOVING + NON-MOVING = TOTAL (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES:

ON	Mon	THE	15	DAY OF	April	20	13	0015	AM	m	W	TN	YES	X
								TIME	P.M.	SEX	RACE	RES	NO	
VIOLATOR	NAME										D.O.B.			
	Jacob					David		Levitt			MONTH	DAY	YEAR	
FIRST	MIDDLE	LAST								6	1	1978		
ADDRESS	160 Berry Dr. - Bldf. Rd.								CITY	Montevue			STATE	ZIP CODE
SOCIAL SECURITY NUMBER	083778041								DRIVER'S LICENSE NUMBER	DL CLASS	CDL	Y	STATE	EXPIRATION DATE
									ID	X	TN	MONTH	DAY	YEAR
									6	1	2014			

V E H I C L E	CRASH OCCURRED: Y N	MAKE Jeep	MODEL LRO	YEAR 1999	COLOR White
	LICENSE PLATE NO. 3047MT	STATE TN	EXP. YEAR 3/2014		
	Automobile <input checked="" type="checkbox"/>	Was this vehicle registered to driver? IF NO, THEN: Patricia Sharp			BUSINESS ADDRESS Cookeville TN.
	CMV OTHER VEH. INVOLVED? Y N	DESIGNED TO TRANSPORT Y	If CMV, 16 OR MORE PASSENGERS N	Under 26,000 Lbs. Over 26,000 Lbs.	Hazmat Y N
Other <input checked="" type="checkbox"/>	If Other, What Type:				

LOC	UPON STREET/HWY	MM CITY/COUNTY	DIRECTION	2-1	2	1	2
	Hanging Limb Rd / SR164	Putnam	STRAIGHT	4-1	3	1	2
			RIGHT TURN	4-2	4	2	3
			SOUTH	TYPE	4	1	2
			WEST	DIR	4	1	2
				IND	5	1	2
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AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

VIOLATION	A	TCA 55-8- SPEEDING MPH IN ZONE <input type="text"/>			CONSTRUCTION ZONE: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	RADAR <input type="checkbox"/> 02 PACING <input type="checkbox"/> 03	OTHER LASER <input type="checkbox"/> 04 <input checked="" type="checkbox"/> 05	
		TCA 55-10-205	002	TCA 55-8- <input checked="" type="checkbox"/> H TRAFFIC CONTROL DEVICE/SIGNAL	TCA 55-4- <input checked="" type="checkbox"/> O REGISTRATION VIOL.	X OTHER 1 <input checked="" type="checkbox"/> Y TCA 55-8-136		
B	RECKLESS DRIVING			TCA 55-8-124 <input checked="" type="checkbox"/> I FOLLOWING TOO CLOSE	TCA 55-8-188 <input checked="" type="checkbox"/> P HOV LANE VIOLATION	113 DUE Care Low.		
C	IMPROPER PASSING			TCA 55-10-416 <input checked="" type="checkbox"/> K OPEN CONTAINER	TCA 55-9- <input checked="" type="checkbox"/> S LIGHT LAW		OTHER 2 <input checked="" type="checkbox"/> Z TCA	
D	DL VOL.			TCA 55-9-202 <input checked="" type="checkbox"/> L MUFFLER LAW	TCA 55-9-107 <input checked="" type="checkbox"/> T WINDOW TINT	X TCA 55-12-139 <input checked="" type="checkbox"/> T FINANCIAL RESPONSIBILITY	110	
E			106	TCA 55-9- <input checked="" type="checkbox"/> M SEATBELT LAW	TCA 55-9-602 <input checked="" type="checkbox"/> M CHILD RESTRAINT DEVICE			
G				393				

NARRATIVE **→ No Proof of Insurance**

Y One vehicle Crash/Ran off Right side of Road into Ditch

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW.

THIS 15 DAY OF April 2013 Trp A. Seitner 996
RANK OFFICER NAME (PRINT) BADGE NO.

HAVING BEEN DULY SWEORN, I DO HEREBY ATTEST THAT THE ABOVE IS A COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN AND SUBSCRIBED BEFORE ME THIS **DAY OF** **20**

~~Top A~~

ASSESSMENT OFFICER

JUDICIAL DECISIONS

IN THE

1	GENERAL SESSIONS COURT OF:
6	JUVENILE COURT OF:
	OTHER

Putnam 71 Cookeville 03
COURT COUNTY NO. CITY NO.
OF: 100 AM
ON Friday THE 17 DAY OF May 20 13 TIME 100 AM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS TWENTY-NINE (28) DAYS AND /OR A FINE UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (2,500).

I UNDERSTAND THE ABOVE NOTICE AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

OVE NOTICE, AND THAT MY SIGNATURE IS NOT AN A


900 ~~100~~
P.M.
TIME